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DEC 05 2006

USSN 10/724,143

Art unit 3753

Examiner A. Michael CHAMBERS

**REMARKS/ARGUMENTS****Claim amendment**

Claim 1 has been amended to refer to a highway tank for onsite storage of fuel.

All pending claims have been rejected under 35 USC 103 on the basis of US patent no. 4,394,027 (Watkins, Jr.) in view of 4,579,249 (Patterson et al.). Applicants respectfully traverse this rejection. As recognized by the Examiner, Watkins, Jr. does not teach a double-walled tank. The Examiner argues that "[i]t would have been obvious to one of ordinary skill in the art to modify the tank ... to be double walled in order to more safely transport the fuel" in view of Patterson et al. The Applicants respectfully submit that there would be no motivation to do so. Applicants make their tank double-walled so as to permit transportation, onsite storage and delivery of fuel from the same tank.

Watkins Jr. is concerned with the transportation of jet fuel. Watkins Jr. does not teach using the tank for onsite storage and delivery of fuel, and there would therefore be no motivation to modify Watkins Jr. to have a double-walled tank to permit onsite fuel storage. In addition, while Patterson et al. teaches a double-walled tank, the purpose is to insulate cryogenic fluids. Patterson et al. is not concerned with transporting fuel and, more importantly, not with storing fuel onsite. Patterson et al. therefore does not make up the deficiency in Watkins, Jr.

The current industry practice for crews requiring a fuel dump, such as oil and gas, forestry, and seismic crews, is to transport a storage tank to a desired location. The storage tank must comply with the applicable regulations related to storage tanks, which means that the tank must be double-walled. The applicable standard in Canada for storage tanks is cited as reference C2 in the information disclosure statement. This storage tank is transported empty. A highway tank that complies with the transportation regulations cited as reference C1 in the information disclosure statement, but not the storage tank regulations, is then brought out to fill the storage tank. If the storage tank needs to be moved, it is first emptied, and then refilled in its new

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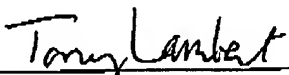
location. Thus, there are tanks used for transporting fuel to a site, and there are tanks for storing the fuel on site. The tanks used are not designed to perform both functions.

The double-walled tank claimed by the Applicants allows a crew to drive a highway tank full of fuel to a site, and then use it as a storage tank from which fuel may be delivered as needed to re-fuel vehicles. Thus, instead of having to provide two tanks for transportation and storage, these functions are provided by a single tank. The Applicant is therefore able to provide a new delivery service for clients, instead of two separate services. The Applicants submit that it would not be obvious to one skilled in the art to use a highway tank as a storage tank, and therefore there would be no motivation to provide a double walled highway tank. As claims 2 through 19 depend upon claim 1, it is submitted that these are not obvious based on similar arguments.

Claims 20 through 23 recite methods of transporting and storing fuel. Claim 20 highlights the fact that a double walled tank is used for both transportation and storage of fuel, whereas the current industry practice is to provide a separate tank for each function. Based on arguments similar to those above, it is respectfully submitted that one skilled in the art would not be lead to the claimed method based on Watkins, Jr. in view of Patterson et al.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested.

Respectfully submitted, and certified as being faxed to the USPTO on Dec 5/06.

  
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